

11-DEC-2002 15:46

FROM-leatherwood with fir point

8642402479

T-387

P.001

F-506



**LEATHERWOOD WALKER TODD & MANN, P.C.**

300 East McBee Avenue, Suite 500

Post Office Box 87

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Telecopier: (864) 240-2477

**FAX NO.:** (703) 746-4060

**DATE:** 12/11/02

**TO:** Missing Parts Unit  
U.S. Patent and Trademark Office  
Washington, DC 20231

**TOTAL NUMBER OF PAGES (including this cover sheet):** 29

**FROM:** Thomas W. Epting

**ATTY. DOCKET NO.:** 21606.8

**RE:** Compact Bed Edging Machine  
Serial No.: 09/966,477  
Filed: September 28, 2001

Following, please find: Resubmission (via Facsimile) of response to Notice to File Missing Parts of Non-Provisional Application, Originally filed under Certificate of Express Mail on November 8, 2001, with exhibits.

Respectfully submitted,

Thomas W. Epting  
Attorney for Applicant  
Reg. No. 31,757

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Typed or printed name: Barbara H. Ballew

12/11/02  
Date

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE REPORT AS SOON AS POSSIBLE TO (864) 552-4512.

FACSIMILE OPERATOR: Barbara H. Ballew

TIME: \_\_\_\_\_

203464

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T-387 P.002/029 F-506

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown

Typed or printed name:

Barbara H. Ballew

Date

12/11/02

**ATTORNEY DOCKET NO. 21606.8****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Porter, et al.	)	Examiner: Not yet assigned
	)	
Serial No.: 09/966,477	)	
	)	
Filed: September 28, 2001	)	Group Art Unit: 3671
	)	
For: COMPACT BED EDGING MACHINE	)	

BOX MISSING PARTS - FEE  
 Commissioner for Patents  
 Washington, D.C. 20231

**RESUBMISSION (VIA FACSIMILE) OF RESPONSE TO NOTICE TO FILE MISSING  
 PARTS OF NON-PROVISIONAL APPLICATION, ORIGINALLY FILED  
 UNDER CERTIFICATE OF EXPRESS MAIL ON NOVEMBER 8, 2001**

Dear Sir or Madam:

1. A Notice to File Missing Parts of Non-Provisional Application ("Notice") for the above-identified application was mailed on October 29, 2001 by the U.S. Patent and Trademark Office. The Notice (Exhibit 1) required that a signed declaration for the patent application be filed together with a payment of a \$65.00 filing fee.

2. In response to the Notice, Applicant mailed, under a Certificate of Express Mail, a response ("Response") which included a signed declaration for patent

application, a copy of the Notice, a check in the amount of \$65.00, and substitute pages 31 through 41 to be inserted into the application.

3. The Response (Exhibit 2) was filed bearing the Express Mail mailing label number of EL908184375 US, with the "date in" stamped on the Express Mail mailing label "11/9/01" (Exhibit 3).

4. Also submitted with the Response was a Domestic Return Receipt (Exhibit 4), also bearing the Express Mail label number of "EL908184375US". This Domestic Return Receipt was received by the U.S. Patent and Trademark Office Mail Center, as evidenced by the PTO Mail Center's "Received" stamp dated January 7, 2002. As shown in the attached Express Mail label receipt (Exhibit 3), the time of deposit of the Response with the U.S. Postal Service was 16:45 on November 9, 2001.

5. In addition to the Domestic Return Receipt, a return postcard (Exhibit 5) was also submitted with the Response and was returned by the PTO, bearing the stamp of the Office of Initial Patent Examination ("OIPE") noting the correct Express Mail deposit date of November 9, 2001. This return postcard also bears the Express Mail label number of EL908184375US.

6. Further, in the cover letter (Exhibit 6) correspondence for the Response, a statement was provided signed by Barbara Ballew, a legal assistant employed at the undersigned's law firm, indicating that the Response was deposited with the United States Postal Service on November 9, 2001.

7. A check was submitted with the Response, from the undersigned's law firm (Check No. 084468) in the amount of \$65.00 and was deposited by the U.S. Patent

and Trademark Office, and a copy of the cancelled check is submitted herewith as Exhibit 7.

8. Applicant first became aware that there was a problem concerning the Response during a routine audit of Applicant's filed conducted on or about December 2, 2002. At that time, an inquiry was made to the Patent Application Information Retrieval (PAIR) system which failed to reflect receipt by the Patent Office of Applicant's Response. A phone call to Patent Office personnel confirmed that Applicant's Response had not made its way to the file for the above patent application.

9. Accordingly, Applicant hereby respectfully requests that Applicant's Response, which is being resubmitted herewith (Exhibit 2) via this facsimile, be accepted and accorded the November 9, 2001 filing date referenced above.

10. The undersigned hereby states that the copies of the Response and Exhibits hereto, namely, the "Express Mail" mailing label, returned postcard, cancelled check, Domestic Filing Receipt, and transmittal correspondence are true copies of such items originally mailed to the U.S. Patent and Trademark Office via Express Mail on November 9, 2001.

11-DEC-2002 15:48

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The Commissioner is authorized to charge Deposit Account 12-0760 for any necessary fees and to credit said account for any fee overpayments. In the event a Petition is necessary for acceptance of the above identified Response, then such Petition is hereby made, and the foregoing is incorporated as the factual basis for such Petition and for the request for relief.

Respectfully submitted,

LEATHERWOOD WALKER TODD & MANN, P.C.



---

Thomas W. Epting, Esquire  
Reg. No. 31,757  
300 East McBee Avenue, Suite 500  
Greenville, SC 29601  
(864) 240-2453 (direct dial)  
(864) 240-2477 (facsimile)

Dated: December 10, 2002

817393

11-DEC-2002 15:54

FROM-leatherwood 4th flr point

8642402479

T-387 P.027/029 F-506

## LEATHERWOOD WALKER TODD &amp; MANN, P.C.

JOHN E. JOHNSTON, JR.  
HARVEY G. SANDERS, JR.  
DAVID A. QUATTLEBAUM, III  
O. DOYLE MARTIN  
JOSEPH E. MAJOR  
DUKE R. MCALL, JR.  
EARLE G. PREVOST  
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COUNSEL:  
J.D. TODD, JR.  
FLITCHER C. MANN  
JAMES H. WATSON  
J. BRANTLEY PHILLIPS, JR.  
D.S. LEATHERWOOD  
1896-1989  
WESLEY M. WALKER  
1913-1999

November 8, 2001

**FILE COPY**

BOX MISSING PARTS - FEE  
Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/996,477  
Title: "Compact Bed Edging Machine"  
Attorney Docket No. 21606.8

Dear Sir or Madam:

In response to the *Notice to File Missing Parts of Nonprovisional Application* mailed October 29, 2001, enclosed are the following for filing in the above-referenced application:

1. Response to Notice to File Missing Parts of Nonprovisional Application;
2. A signed Declaration for Patent Application;
3. A copy of the *Notice to File Missing Parts of Nonprovisional Application*;
4. A check in the amount of Sixty-five Dollars (\$65.00) to cover the requisite filing fee; and
5. Substitute pages for pages 31 through 41 of the original patent;

Please direct all communications regarding this submission to the undersigned.

Very truly yours,



Thomas W. Epting  
Reg. No. 31,757  
Leatherwood Walker Todd & Mann, P.C.

TWE/bhb: 745136  
Enclosures

EXHIBIT 6

11-DEC-2002 15:50

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8642402479

T-387 P.012/029 F-506

the substitution of equivalent features or parts, and the reversal of various features thereof, may be practiced by those of ordinary skill in the art without departing from the spirit or scope of the following claims.

Attorney Docket No. 21606.8  
Applicant: Porter, et al.

- 31 -

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T-387 P.008/028

F-506

## Express Mail Certificate

Express Mail label number EL908184375US

Date of Deposit

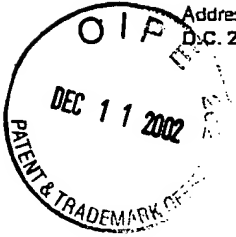
11/9/01

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C. 20231.

Signature of person mailing application:

Barbara Ballew

Date:

11/9/01

ATTORNEY DOCKET NO. 21606.8

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Porter, et al.

Serial No.: 09/966,477

Filed: September 28, 2001

For: COMPACT BED EDGING MACHINE

Examiner: Not yet assigned

Group Art Unit: 3671

BOX MISSING PARTS - FEE  
Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NON-PROVISIONAL APPLICATION

Dear Sir or Madam:

In response to the Notice to File Missing Parts of Non-Provisional Application, submitted herewith is a signed Declaration together with a check for the requisite fee.

Also submitted in response to the Notice are substitute pages 31 through 41 for the application. These substitute pages are submitted to correct a formatting error in the patent application which caused the claims to begin on the last page of the specification. The substitute pages provide the claims commencing on a separate

12/17/2002 NPRASASD 00000006 120760 09966477

01 FC:2051

65.00 CH

EXHIBIT 2

Received from &lt;8642402479&gt; at 12/11/02 3:56:08 PM [Eastern Standard Time]



sheet, namely, page 32 of the application, and such claims continue through page 41, with the abstract commencing on page 42. No new matter has been added.

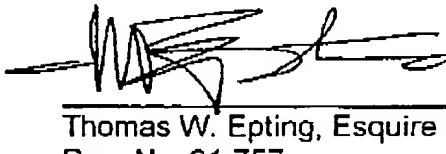
Finally, submitted herewith is a copy of the Notice to File Missing Parts of Non-Provisional Application.

In view of the submission of the foregoing, it is respectfully submitted that the application is now in condition for examination, and such is requested in the due course of Patent Office business.

The Commissioner is authorized to charge Deposit Account 12-0760 for any necessary fees in order to avoid abandonment of the above application, and the Commissioner is authorized to credit said account for any fee overpayments.

Respectfully submitted,

LEATHERWOOD WALKER TODD & MANN, P.C.



Thomas W. Epting, Esquire  
Reg. No. 31,757  
100 East Coffee Street  
Greenville, SC 29601-2753  
(864) 240-2453 (direct dial)  
(864) 240-2479 (facsimile)

Dated: November 7, 2001

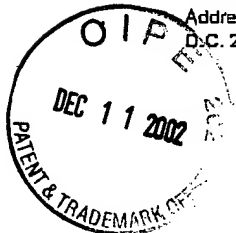
745504

Express Mail CertificateExpress Mail label number EL908184375US : Date of Deposit 11/9/01

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C. 20231.

Signature of person mailing application: *Barbara Ballew* Date: 11/9/01

Barbara Ballew



ATTORNEY DOCKET NO. 21606.8

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Porter, et al.

Serial No.: 09/966,477

Filed: September 28, 2001

For: COMPACT BED EDGING MACHINE

) ) ) ) ) ) )

Examiner: Not yet assigned

Group Art Unit: 3671

BOX MISSING PARTS - FEE  
Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NON-PROVISIONAL APPLICATION

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EXHIBIT 2

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Respectfully submitted,

LEATHERWOOD WALKER TODD & MANN, P.C.



---

Thomas W. Epting, Esquire  
Reg. No. 31,757  
100 East Coffee Street  
Greenville, SC 29601-2753  
(864) 240-2453 (direct dial)  
(864) 240-2479 (facsimile)

Dated: November 7, 2001

745504

November 8, 2001

Page 2

Express Mail CertificateExpress Mail label number EL908184375US; Date of Deposit: 11/9/01

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C. 20231.

Signature of person mailing application: Barbara BallewDate: 11/9/01

Barbara Ballew



EL908184375US

LEATHERWOOD WALKER TODD &amp; MANN, P.C.

Request Number: 597560

Check Date: 11-07-01

Check Number: **NO 084468**

Payee: Commissioner of Patents and Trademarks

Invoice #	Inv. Date	C/L Acct	Client	Matter	Narrative	Amount	Inv. Total
2106	Nov 07/01		10916	21606	VENDOR: Commissioner of Patents and Trademarks; INVOICE#: 2106; DATE: 11/7/01 - (TWE/BH8) Filing fee for missing parts (21606.8)	85.00	85.00
			E-Z Trench Manufacturing Co., Inc.	Intellectual Property Matters			
Invoice Totals:						855.00	855.00

11-DEC-2002 15:54 FROM-leatherwood 4th flr point

8642402479

T-387 P.029/029 F-506

LEATHERWOOD WALKER TODD & MANN, P.C.  
ATTORNEYS AT LAW  
133 EAST COFFEE STREET  
GREENVILLE, SOUTH CAROLINA 29601

**LWT&M**  
LEATHERWOOD WALKER TODD & MANN, P.C.

CAROLINA FIRST  
Greenville, SC 29602  
87-210-533

084468

Nov 07, 2001

DATE

PAY SIXTY-FIVE AND 00/100 DOLLARS

140415396 01-14-02 7367 0637 14 \$\*\*\*\*\*65.00  
AMOUNT

TO THE ORDER OF Commissioner of Patents and Trademarks

210331436 182 4013 4038 09 21

NOT NEGOTIABLE AFTER 90 DAYS

*Kathleen P. Walker*

THIS DOCUMENT IS VOID IF ACCOUNT NUMBER DOES NOT APPEAR ON REVERSE SIDE IN RED. THIS DOCUMENT HAS A MICRO PRINTED SIGNATURE LINE.

⑈084468⑈ ⑆053902197⑆1010053489⑈

⑈0000006500⑈



18210000 210331436 210331436 140415396	WKEND 01-14-02 01-14-02 01-14-02	0075 64077	FOR DEPOSIT ONLY
053201885 01142002 0015084150			

EXHIBIT 7



<b>EXPRESS MAIL</b> UNITED STATES POSTAL SERVICE®		<b>POST OFFICE TO ADDRESSEE</b>			
<b>ORIGIN (POSTAL USE ONLY)</b>					
PO ZIP Code 29601	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>			
Date (M/D/Y) 11/9/01	Time <input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 12.48			
Weight 1.64 lbs	Return Receipt Fee 1.50	COD Fee Insurance Fee			
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials [Signature]	Total Postage & Fees \$ 13.98			
<b>CUSTOMER USE ONLY</b>					
METHOD OF PAYMENT: <b>X293110</b>					
FROM: (PLEASE PRINT) <b>LEATHERWOOD WALKER TODD A MANN</b> <b>100 E COFFEE ST</b> <b>GREENVILLE SC 29601-2753</b> <b>TWE: 21606.8 E-Z Trench COMPACT BED</b> <b>EDGING MACHINE resp ntc of missing parts</b>					
TO: (PLEASE PRINT) <b>BOX MISSING PARTS - FEE</b> <b>Commissioner for Patents</b> <b>Washington DC 20231</b>					
FOR PICKUP OR TRACKING CALL 1-800-222-1811 <a href="http://www.usps.com">www.usps.com</a>					

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ON INSURANCE COVERAGE

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NO DELIVERY ☐ Weekends ☐ Holiday ☐ Customer Signature

Customer Copy  
Label 11-F August 2000

F02  
T

397

EXHIBIT 3

Received from <8642402479> at 12/11/02 3:56:08 PM [Eastern Standard Time]

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BOX MISSING PARTS - FEE  
Commissioner for Patents  
Washington DC 20231

TWE: 21606.8 E-Z Trench  
COMPACT BED EDGING MACHINE  
resp ntc of missing parts

2. Article Number **EL908184375US**  
(Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

**X**☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail☐ Registered☐ Insured Mail☐ Express Mail☐ Return Receipt for Merchandise☐ C.O.D.

4. Restricted Delivery? (Article Only)

☐ Yes**RECEIVED****JAN 07 2002****APD MAIL CENTER**

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

EXHIBIT 4

Received from &lt;8642402479&gt; at 12/11/02 3:56:08 PM [Eastern Standard Time]



RECEIVED

JAN 14 2002

The following papers were received in the U.S. Patent and Trademark Office:

Applicant(s): Roger D. Porter and Jerome C. Burroughs

Title of Invention: COMPACT BED EDGING MACHINE

Atty. Docket No. <u>21606.8</u>	Serial No. <u>09/966,477</u>	Filed <u>9/28/01</u>
<input type="checkbox"/> Specification - No. Of Pages <u>      </u>	<input type="checkbox"/> Amendment	
<input type="checkbox"/> Claims - No. of Claims <u>      </u>	<input type="checkbox"/> Request For Extension of Time	
<input type="checkbox"/> Drawings - No. of Sheets <u>      </u>		
<input type="checkbox"/> Abstract	<input checked="" type="checkbox"/> Fees: Enclosed \$65	
<input checked="" type="checkbox"/> Declaration and Power of Attorney	<input type="checkbox"/> Information Disclosure Statement (Including PTO-1449 and copies of references)	
<input type="checkbox"/> Assignment with Copy Sheet	<input type="checkbox"/> Letter to Official Draftsperson	
<input type="checkbox"/> Issue Fee	<input type="checkbox"/> Small Entity Status	
<input checked="" type="checkbox"/> Certificate of Express Mailing	<input checked="" type="checkbox"/> Substitute pages 31-42 for patent	
<input checked="" type="checkbox"/> Transmittal Letter		
<input checked="" type="checkbox"/> Charge Authorization 12-0760		
Attorney: <u>Thomas W. Epting</u>	Date Mailed: <u>11/9/01</u>	

EXHIBIT 5



Effective OCTOBER 1, 2001, Patent Fees will be adjusted. Please note that fee amounts required by the enclosed Notice might reflect the fees due on the date of filing. Any fee paid on or after OCTOBER 1, 2001 is subject to the new FY 2002 fee schedule and must be paid in the new amount.

**EXAMPLES OF FEES BEING ADJUSTED**  
See [www.uspto.gov](http://www.uspto.gov) for complete FY 2001  
and FY-2002 Fee Schedules

\* Indicates  
fees remain  
at FY 2001  
amount

DESCRIPTION	FY 2001	FY 2002
Basic filing fee - Utility	\$710	\$740
Basic filing fee - Utility (Small Entity)	\$355	\$370
Independent claims in excess of three	\$80	\$84
Independent claims in excess of three (Small Entity)	\$40	\$42
Claims in excess of twenty	\$18	\$18*
Claims in excess of twenty (Small Entity)	\$9	\$9*
Multiple dependent claim	\$270	\$280
Multiple dependent claim (Small Entity)	\$135	\$140
Surcharge - Late filing fee	\$130	\$130*
Surcharge - Late filing fee (Small Entity)	\$65	\$65*
Design filing fee	\$320	\$330
Design filing fee (Small Entity)	\$160	\$165
Plant filing fee	\$490	\$510
Plant filing fee (Small Entity)	\$245	\$255
Reissue filing fee	\$710	\$740
Reissue filing fee (Small Entity)	\$355	\$370
Reissue independent claims	\$80	\$84
Reissue independent claims (Small Entity)	\$40	\$42
Reissue claims in excess of twenty	\$18	\$18*
Reissue claims in excess of twenty (Small Entity)	\$9	\$9*
Provisional application filing fee	\$150	160
Provisional application filing fee (Small Entity)	\$75	80
Surcharge - Late provisional filing fee	\$50	\$50*
Surcharge - Late provisional filing fee (Small Entity)	\$25	\$25*
Non-English Specification	\$130	\$130*
Extension - First month	\$110	\$110*
Extension - First month (Small Entity)	\$55	\$55*
Extension - Second month	\$390	\$400
Extension - Second month (Small Entity)	\$195	\$200
Extension - Third month	\$890	\$920
Extension - Third month (Small Entity)	\$445	\$460
Extension - Fourth month	\$1,390	\$1,440
Extension - Fourth month (Small Entity)	\$695	\$720
Extension - Fifth month	\$1,890	\$1,960
Extension - Fifth month (Small Entity)	\$945	\$980
Petition	\$130	\$130*
Processing returned checks	\$50	\$50*

For further fee information, please call  
(703-308-HELP)

Rev. 9/18/2001

